

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claim 1 has been cancelled; claim 2 has been amended to depend on claim 3 and to avoid the language objected to by the Examiner; claim 3 has been rewritten in independent form by incorporating the subject matter of claim 1; claim 4 has been cancelled; and claim 5 has been rewritten in independent form by incorporating the subject matter of claim 1 and also correcting the language objected to by the Examiner.

Claims 7 and 8 have been cancelled since they are dependent on cancelled claim 1.

Claim 9 has been amended to depend on claim 21, which is like claim 8 except that it is dependent on claim 3.

Claims 10 and 11 have been cancelled.

Claims 12 and 13 have been amended to avoid the language objected to by the Examiner.

Claims 14 and 17 have been cancelled since they are dependent on cancelled claim 4.

Claims 20, 21, 23 and 24 have been rewritten in more conventional form according to U.S. practice, avoiding the “using” language of these claims.

Claim 22 has been cancelled since it is dependent on cancelled claim 4.

Claim 25 has been cancelled since it is dependent on cancelled claim 7.

In view of the claim amendments, Applicants respectfully submit that the objection to claim 2, as well as the rejection of claims 2 and 5 under the second paragraph of 35 U.S.C. §112 have been rendered moot.

The patentability of the presently claimed invention after entry of the foregoing amendments, over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

The rejection of claims 1, 2, 4 and 11 under 35 U.S.C. §102(b) as being anticipated by Hirano et al. (U.S. ‘061) has been rendered moot in view of the claim amendments. That is, claims 1, 4 and 11 have been cancelled; and claim 2 has been amended to depend on claim 3, which is not subject to this rejection.

The rejection of claims 1-3, 7-10, 15, 16, 20, 21 and 25 under 35 U.S.C. §102(a) as being anticipated by Xu et al. (*Catalytic Properties of Alkali-leached Ni₃Al ...*) is respectfully traversed.

This reference indicates that it was available online September 11, 2004. This date is between the filing dates of Applicants' Japanese priority application (filed February 2, 2004) and Applicants' PCT application (filed February 2, 2005). Therefore, Applicants can overcome the use of this reference as prior art by obtaining the benefit of the filing date of their Japanese priority application. For this purpose, Applicants are submitting herewith a verified English translation of their priority application, i.e. Japanese Patent Application No. JP 2004-25121. [The Examiner has already acknowledged a copy of the certified copies of both priority documents.] Applicants take the position that the translation shows that the present claims are supported by the disclosure of this priority document, thus antedating the Xu et al. reference. For this reason alone, the rejection based on this reference should be withdrawn.

The rejection of claims 17 and 22 under 35 U.S.C. §103(a) as being unpatentable over Hirano et al. in view of Xu et al., as well as the rejection of claims 5, 6, 12, 13, 18, 19, 23 and 24 under 35 U.S.C. §103(a) as being unpatentable over Xu et al. in view of Lashmore et al. (U.S. '431), are respectfully traversed.


Both of these rejections rely on the Xu et al. reference, which as indicated above, is not available as prior art against the present invention, in view of Applicants' entitlement to the benefit of the filing date of their first Japanese priority application. Accordingly, both of these rejections should also be withdrawn.

The rejection of claim 14 under 35 U.S.C. §103(a) as being unpatentable over Hirano et al. in view of Lashmore et al. has been rendered moot in view of the cancellation of this claim.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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